



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/268,999	03/16/1999	YUICHI ARITA	1075.1112/JD	9272

21171 7590 11/12/2003

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

THANGAVELU, KANDASAMY

ART UNIT	PAPER NUMBER
----------	--------------

2123

19

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant(s)	ARITA, YUICHI	
	Art Unit	2123	
	Application No.	09/268,999	
	Examiner	Kandasamy Thangavelu	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,11 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-9,12-25 and 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Introduction

1. This communication is in response to the Applicants' Amendment mailed on September 9, 2003. Claims 1, 5, 8-10, 13, 14, 22-24, 26 and 27 of the application were amended. Claim 29 was added. Claims 1-29 of the application are pending. This office action is made final.

Response to Amendments

2. Applicants' amendments, filed on September 9, 2003 have been considered. Claim rejections under 35 USC 103 (a) are withdrawn in response to the applicant's amendment of claims. However, new claim rejections have been included in this Office Action under 35 USC 112 First paragraph and 35 USC Second Paragraph.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. §112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-9, 12-25 and 27-29 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to

Art Unit: 2123

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 states in part, “where the working means model is automatically selected from among plural other working means models pre-associated with the standard part models based on an automatic determination during the simulation that it satisfies an ideal working condition of the working means model”.

The specification describes on Page 65, Lines 22-27 states, “if the subject standard part model has another available working means model, then the working means model is read out by the part/tool information management section and displayed on the monitor, so that a simulation for the arrival route confirmation is executed newly”.

The specification states on Page 66, Lines 9-18, “ when a plurality of working means models are related to a standard part model in such a manner that, ... a tool set including two drives ... are related as a working means model with the standard part model, a working simulation is performed not using the two screwdrivers simultaneously, but the order ... is determined depending upon a priority order defined in advance.”

The specification states on Page 73, Lines 4-20, “if the working means model or models other than working means models related at present to the virtual tool information designated as a subject of the modification ... are at present under the control of the system, then the general controller controls the monitor to display those working means models which can be changed under the control of the system and receives a selection instruction of a working means model to be related newly. On the other hand, if no working means model other than working means

Art Unit: 2123

models related at present to the virtual tool information designated as a subject of the change is present under the control of the system, then the general controller receives an instruction of a location of the working means model to be related newly”.

The specification states on Page 74, Lines 1-9, “as information regarding the working means model stored in the actual model data storage section and the standard part models are related to each other by coordination of attribute information, a working means model related to a standard part model used upon designing of a design model can be acquired rapidly and a simulation of working to be performed for the standard part model can be executed using the acquired working means model”.

Specification Page 61, Lines 3-6 state, “when the working operation of the working means model is performed in the ideal working condition in the virtual three dimensional space, the simulation calculation execution section calculates a working range amount”.

From the above descriptions in the specification it is understood that the working means model is automatically selected from among plural other working means models pre-associated with the standard part models. However, the specification does not describe anywhere that the working means model is automatically selected from among plural other working means models pre-associated with the standard part models based on an automatic determination during the simulation that it satisfies an ideal working condition of the working means model. The specification also does not describe what the ideal working conditions are and how it is determined that the simulation satisfies the ideal working conditions.

Claim 9 states in part, “where the working means model is automatically selected from among plural other working means models pre-associated with the standard part models based on an automatic determination during the simulation that it satisfies an ideal working condition of the working means model”.

Claim 13 states in part, “where the working means model is automatically selected from among plural other working means models pre-associated with the standard part models based on an automatic determination during the simulation that it satisfies an ideal working condition of the working means model”.

Claim 22-24 state in part, “where the working means model is automatically selected from among plural other working means models pre-associated with the standard part models based on an automatic determination during the simulation that it satisfies an ideal working condition of the working means model”.

From the descriptions in the specification it is understood that the working means model is automatically selected from among plural other working means models pre-associated with the standard part models. However, the specification does not describe anywhere that the working means model is automatically selected from among plural other working means models pre-associated with the standard part models based on an automatic determination during the simulation that it satisfies an ideal working condition of the working means model. The specification also does not describe what the ideal working conditions are and how it is determined that the simulation satisfies the ideal working conditions.

Art Unit: 2123

Claim 27 states in part, “based on the automatic simulating, automatically determining whether, among plural working means models mate-able with the standard part model, the working means model is ideal for working the standard part model as arranged in the design model”.

From the descriptions in the specification it is understood that the working means model is automatically selected from among plural other working means models pre-associated with the standard part models. However, the specification does not describe anywhere how based on the automatic simulating, it is automatically determined whether among plural working means models mate-able with the standard part model, the working means model is ideal for working the standard part model as arranged in the design model. It also does not describe what is meant by ideal for working the standard part model.

Claims rejected to but not specifically addressed are rejected to based on their dependency to a rejected claim.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-9, 12-25 and 27-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2123

Claim 1 states in part, “where the working means model is automatically selected from among plural other working means models pre-associated with the standard part models based on an automatic determination during the simulation that it satisfies an ideal working condition of the working means model”.

In this claim an automatic determination during the simulation that it satisfies an ideal working condition of the working means model is vague and indefinite, since the ideal working condition of the working means model is also vague and indefinite.

Claim 9 states in part, “where the working means model is automatically selected from among plural other working means models pre-associated with the standard part models based on an automatic determination during the simulation that it satisfies an ideal working condition of the working means model”.

Claim 13 states in part, “where the working means model is automatically selected from among plural other working means models pre-associated with the standard part models based on an automatic determination during the simulation that it satisfies an ideal working condition of the working means model”.

Claim 22-24 state in part, “where the working means model is automatically selected from among plural other working means models pre-associated with the standard part models based on an automatic determination during the simulation that it satisfies an ideal working condition of the working means model”.

Art Unit: 2123

In these claims an automatic determination during the simulation that it satisfies an ideal working condition of the working means model is vague and indefinite, since the ideal working condition of the working means model is also vague and indefinite.

Claim 27 states in part, “based on the automatic simulating, automatically determining whether, among plural working means models mate-able with the standard part model, the working means model is ideal for working the standard part model as arranged in the design model”.

In this claim the working means model is ideal for working the standard part model is vague and indefinite, since ideal for working is also vague and indefinite.

Claims rejected to but not specifically addressed are rejected to based on their dependency to a rejected claim.

Allowable Subject Matter

7. Claims 10, 11 and 26 are allowed.

Arguments

8. As per the applicants’ argument that “Claim 1 recites that the working means model is automatically selected from among plural other working means models pre-associated with the

Art Unit: 2123

standard part models based on an automatic determination during the simulation that it satisfies an ideal working condition of the working means model; Claim 27 recites that based on the automatic simulating, automatically determining whether, among plural working means models mate-able with the standard part model, the working means model is ideal for working the standard part model as arranged in the design model; support may be found at Figure 5 and Figure 12; Siddique does not offer detail on how a tool is selected, nor does it suggest automatically finding an ideal tool for a standard part”, the examiner takes the position that from the descriptions in the specification it is understood that the working means model is automatically selected from among plural other working means models pre-associated with the standard part models; however, the specification does not describe anywhere that the working means model is automatically selected from among plural other working means models pre-associated with the standard part models based on an automatic determination during the simulation that it satisfies an ideal working condition of the working means model; the specification also does not describe what the ideal working conditions are and how it is determined that the simulation satisfies an ideal working condition; the specification does not describe anywhere how based on the automatic simulating, it is automatically determined whether among plural working means models mate-able with the standard part model, the working means model is ideal for working the standard part model as arranged in the design model; and it also does not describe what is meant by ideal for working the standard part model.

Conclusion

ACTION IS FINAL – NECESSIATED BY AMENDMENT

9. Applicant's amendments necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kandasamy Thangavelu whose telephone number is 703-305-0043. The examiner can normally be reached on Monday through Friday from 8:00 AM to 5:30 PM.

Art Unit: 2123

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska, can be reached on (703) 305-9704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

K. Thangavelu
Art Unit 2123
November 6, 2003


SAMUEL BRODA, ESQ.
PRIMARY EXAMINER